

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 ARTANO AIDINI,

5 Plaintiff,

6 v.

7 COSTCO WHOLESALE CORPORATION,

8 Defendant.

Case No. 2:15-cv-00505-APG-GWF

**ORDER DENYING MOTION IN  
LIMINE REGARDING ARGUMENT  
THAT COSTCO DID NOT CREATE  
THE UNSAFE CONDITION**

(ECF No. 43)

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10 Plaintiff Artano Aidini moves to preclude defendant Costco Wholesale Corporation from  
11 making any reference or argument that anyone other than a Costco employee is responsible for  
12 the location of the box that Aidini tripped on or otherwise arguing that Costco did not create this  
13 “unsafe condition.”

14 The identity of the person responsible for placing the box where it was is a question for  
15 the jury. Although Costco concedes that its employees put boxes in the vicinity of Aidini’s fall,  
16 there is some evidence suggesting that another Costco customer could have nudged the box,  
17 causing it to end up where it did. Aidini testified that around the time he fell, there were “other  
18 people walking through” the area. ECF No. 69-1 at 7. Surveillance video shows that at least one  
19 person, who did not work for Costco, walked through that area only three minutes before Aidini  
20 fell. ECF No. 69-1. And even if Costco’s employees did put the box where it was, that would  
21 not mean that it would be foreclosed from arguing to the jury that the box was not an “unsafe”  
22 condition or that Aidini was partially responsible for the fall.

23 IT IS THEREFORE ORDERED that plaintiff Artano Aidini’s motion in limine (**ECF No.**  
24 **43) is DENIED.**

25 DATED this 10th day of April, 2017.

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28 ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE